

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL ACTION No. 02-CV-3830 (LDD)

AGERE SYSTEMS, INC., CYTEC *
INDUSTRIES, INC., FORD *
MOTOR COMPANY, SPS *
TECHNOLOGIES, LLC and *
TI GROUP AUTOMOTIVE *
SYSTEMS, LLC,

Plaintiffs, *

vs. *

ADVANCED ENVIRONMENTAL *
TECHNOLOGY CORPORATION, *
et al., *

Defendants. *

DEPOSITION OF:

KIRK W. BROWN

COPY

T R A N S C R I P T of the stenographic
notes of the proceedings in the above-entitled
matter, taken by and before DEBRA DeLOOF, a
Certified Shorthand Reporter and Notary Public of
the State of New Jersey, held at the offices of
Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart &
Olstein, P.C., 5 Becker Farm Road, Roseland, New
Jersey, on Friday, December 1, 2006, commencing
at 10:15 a.m.

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ALSO PRESENT: Kalisha Crawford

1 drum?

2 A. Drum, yes.

3 Q. How do you know that they were even put
4 in drums?

5 A. Mr. Curran's deposition.

6 Q. How about the spent cleaning solvents,
7 do you know how they were disposed of?

8 A. Again, they were put in barrels and
9 disposed of off site but it doesn't say other than
10 that they were pretty small quantities, there's no
11 record of where they were disposed of.

12 Q. When you say they were disposed of
13 drums, disposed in drums is the basis for that
14 statement Curran's deposition testimony?

15 A. Yes. He says they would have been
16 drummed if they had not evaporated.

17 Q. What is the industrial waste solution
18 that you refer to in paragraph 31G?

19 A. Industrial waste solution is a waste
20 water that includes some traces of oil, grit, dirt and
21 other things that were generated during the periodic
22 shut down and clean up of the operation, so they went
23 systematically through the plant and cleaned their
24 draw machines, cleaned their grinding machines and
25 that type of thing, during shut down, so this was a

1 waste, it was a sporadically generated waste that was
2 put in barrels, drums.

3 Q. How do you know this?

4 A. Again, Curran.

5 Q. Other than Curran's deposition testimony
6 is there any other basis for your opinion that
7 industrial waste solution is washed water with oil and
8 grease, dirt and grime?

9 A. No. That's the basis and I've now found
10 Curran on page 16 and 17 said that waste conversion
11 systems handled their acids during the relevant
12 period.

13 Q. Can you show me where you're referring
14 to?

15 A. Page 12, the last paragraph, paragraph
16 35, bottom.

17 Q. In paragraph 32 you list seven chemical
18 compounds that were not used at the Handy Harman
19 facility, how do you know that these compounds were
20 not used at Handy Harman?

21 A. There's no, number one, testimony that
22 they were used and number two, knowing the processes
23 these are compounds that would not have been used
24 there.

25 Q. When you say knowing the processes are

1 A. The finished products is where you would
2 use paint or adhesives and the finished products were
3 the tubes themselves and there was no requirement from
4 the purchaser of paint or adhesives or anything of
5 that nature, you want a very clean tube, especially if
6 it's going to become a hypodermic needle, you don't
7 want paints or adhesives on them.

8 Q. How do you know that paint waste, spent
9 resins or waste polymers were wastes found in drums
10 discovered as part of OU2?

11 A. They're listed in the Brown and Caldwell
12 report.

13 Q. Any other basis?

14 A. No, that's the physical description of
15 the material they found in drums.

16 Q. Is that the description of the material
17 found in all the drums removed in OU2?

18 A. I don't believe it was all of them but a
19 good number of them were described as one of these
20 categories.

21 Q. In paragraph 43 of your report you state
22 that the based on the description of the cleaning
23 process during the plant shut down the waste water
24 generated as the industrial waste solution was
25 non-hazardous. What do you mean the description of

1 the cleaning process during the shut down?

2 A. Curran's description of the washed down
3 of the machines. And it's my opinion that had that
4 been tested it would not have been classified as
5 hazardous waste. So it would have been a
6 non-hazardous waste.

7 Q. Why is that?

8 A. Because it was a water base cleaning
9 process. They were cleaning grit and grime and
10 particles off the machinery and there would have been
11 nothing -- while there would have been metals in the
12 waste, traces of oil, that type of thing, nothing
13 would have been of high enough concentration to
14 classify it as a hazardous waste.

15 Q. Again, the basis for your description or
16 what you believe is a industrial waste solution is
17 Curran's deposition testimony; is that correct?

18 A. Yes, his testimony on how that was
19 generated.

20 Q. Is there any other basis as to what's in
21 the industrial waste solution?

22 A. That and my then knowledge of the
23 chemistry of what was going on at the machines that
24 were being cleaned.

25 Q. In paragraph 42 of your report in the

1 Q. If you look at B-6 it references
2 industrial waste solution, is it your understanding
3 that this industrial waste solution is referenced in
4 B-6 is the industrial waste solution that you are
5 speaking of in paragraph 42 of your report?

6 MS. FLAX: Objection to the form.

7 A. Yes I believe it is.

8 Q. What's the basis of your opinion?

9 A. Well, if you look at the other waste
10 generated at this facility there is nothing else
11 that's generated in a quantity that you would get this
12 number of barrels. That wasn't handled in some other
13 method. We know the acid waste was taken out by
14 somebody else, the polisher waste was, the used oil
15 and lubricants were taken off. The ketone wastes were
16 very small. The polisher wastes were sent off
17 somewhere else. So this is the only one that would
18 possibly be accumulated in such volumes.

19 Q. Any other reason why you believe the
20 industrial waste solution referenced in B-6 is the
21 industrial waste solution that you speak about in
22 paragraph 42 of your report?

23 A. Well, the bottom sledges from the
24 trichlorethylene degreaser would have been solids so
25 you wouldn't call those solutions, and that kind of

1 closes the loop. There's nothing else that would fit
2 the description but industrial waste solution that's
3 cited by Curran and the e-mail we just looked at by
4 Coates.

5 Q. Other than the sort of process of
6 elimination system that you're working with to
7 determine that the industrial waste solution in B-6 is
8 the industrial waste solution that you're speaking of
9 in paragraph 42, are there any other reasons that you
10 believe that the industrial waste solution is what
11 you're referring to in paragraph 42?

12 MS. FLAX: Object to the form.

13 Q. Do you understand the question?

14 A. Well, as I said, the other wastes are
15 known to have been taken out by other providers and
16 then secondly you would not have put the waste acid in
17 drums of this nature to haul off. So that's certainly
18 not going to be waste acid in these drums.

19 Q. How do you know the polisher waste and
20 the bottom sludges and the other wastes other than the
21 spent acids were taken to what you described as other
22 haulers?

23 MS. FLAX: Object to the form.

24 A. We have a reference to who hauled off
25 the polisher waste.

1 Q. In the 1990's?

2 A. In the 1990's, I'm well aware of dumping
3 things down sewers, I've even dumped some down myself
4 in the 70's that I shouldn't have now that I know
5 better. I mean, the common thing even at the
6 chemistry lab at the University in my own laboratory
7 if you had chemicals you wanted to get rid of them you
8 dumped them into the sewer, we no longer do that.

9 Q. Other than the reasons that you've
10 already stated is there any other basis for your
11 opinion that you believe that the standard practice of
12 disposal companies would have been to dump waste in
13 sewers?

14 A. That's pretty much the basis of it.

15 Q. Going back to your opinion in paragraph
16 43 when you say the industrial waste solution was not
17 hazardous, do you mean that, that that type of
18 solution wouldn't be listed as a hazardous waste
19 today?

20 A. It's my opinion that that solution would
21 not meet the criteria for a hazardous waste. It's not
22 listed, it's not corrosive, it's not loaded with
23 metals, it's not flammable, and if you go down the
24 criteria I believe it would not have met those. It
25 would not have been classified as a hazardous waste.

1 Q. The industrial waste solution would
2 contain metals, correct?

3 A. Yes.

4 Q. Do you have any idea of what percentage?

5 A. No. There's no way to tell what
6 percentage but the metals would have been in the
7 elemental form and not in solution. So elemental
8 metals are not going to fail the toxic characteristic
9 procedure.

10 Q. So how is it that you know that the
11 metals in this industrial waste solution wouldn't have
12 been to the level to characterize it as a hazardous
13 material?

14 MS. FLAX: Object to the form.

15 A. Their solubility is so low from metallic
16 pieces that you wouldn't get high enough ionic
17 concentration to fail a toxic characteristic leachate
18 procedure.

19 Q. Could there have been pieces of metal in
20 the solution?

21 A. Yes.

22 Q. And the pieces of metal in the solution
23 would not have rendered it hazardous?

24 A. Right, because it would not have ionized
25 enough to cause the concentration in the water in the

1 solvent to be high enough.

2 Q. How about the oil and grease in the
3 industrial waste solution, why wouldn't the presence
4 of oil and grease in the solution make it a hazardous
5 material?

6 A. Senator Lloyd Benson got the oil and
7 grease exclusion.

8 Q. Because of the petroleum --

9 A. Yes.

10 Q. Would the presence of oil and grease
11 characterize something as a hazardous waste under
12 RCRA?

13 A. No.

14 Q. Is oil a hazardous waste under RCRA?

15 A. No.

16 Q. Is used oil a hazardous waste under
17 RCRA?

18 A. Some used oils would be but general
19 petroleum wouldn't be.

20 Q. Do you know what the composition of the
21 oil in -- the lubricating oil in the Handy Harman
22 waste?

23 A. They used 5W30 and 10W30 the common
24 motor oils.

25 Q. Would that be considered a hazardous

1 waste?

2 A. No.

3 Q. Other than oil, grease and metals, wash
4 water and possibly some soap agent, were there any
5 other compounds that you believe would be found in the
6 industrial waste solution that you describe in
7 paragraph 42 of your expert report?

8 A. It's possible that the other cleaning
9 compounds that they, chemicals that they used acetone
10 or methyl ethyl ketone could show up in low
11 concentrations but they'd be very low.

12 Q. It's your testimony that there would be
13 no TCE, I believe you testified earlier that TCE would
14 not come in contact with any machines that the
15 industrial waste solution would have cleaned?

16 MS. FLAX: Objection to the form.

17 Q. Is that correct?

18 A. I'm not aware of any mechanism by which
19 TCE would have come in contact with them.

20 Q. How is it that the MEK and acetone would
21 have come in -- could have been in the industrial
22 waste solution but TCE couldn't have been?

23 A. They could have been used to wipe down
24 the machinery whereas TCE was not used for that
25 purpose.

1 Q. How do you know TCE was not used for
2 that purpose?

3 A. There's no reference to it being used
4 for that purpose.

5 Q. So is it your belief if you refer to
6 Curran's deposition testimony page 54 line 19 when he
7 speaks about industrial waste solution that it may
8 have contained traces of some solvents, which solvents
9 were they?

10 A. Well, he says -- what line are you on?

11 Q. 19 and 20.

12 A. The only thing he says there is
13 something like acetone. And the other thing that's
14 like acetone is methyl ethyl ketone which we already
15 covered.

16 Q. Would the presence of acetone and
17 possibly methyl ethyl ketone render the industrial
18 waste solution hazardous?

19 MS. FLAX: Objection to the form.

20 A. Again, I don't believe they would have
21 been in high enough concentrations, they evaporate
22 quickly, partition into the air and would have been if
23 present in very low concentrations.

24 Q. If present in the industrial waste
25 solution?

1 A. Right.

2 Q. Is that the only reason why you believe
3 the industrial waste solution with possible trace
4 amounts of these solvents would not be considered
5 hazardous?

6 MS. FLAX: Objection to form.

7 A. That and the other things that we
8 discussed earlier about the metals.

9 Q. If you look at page 56 of Curran's
10 deposition testimony I'm sorry, page 55, line 2 to 4,
11 he talks about a sludge from machines, possibly being
12 in the industrial waste solution, can you tell me
13 about that sludge?

14 A. Well, that would have been a sludge
15 which would have been the dirt accumulated at the
16 machine, the dirt accumulates from a couple of
17 activities. Number one, when you're putting metal
18 through a di you do get some abrasion. So you do get
19 some metal abraded off the material you're pulling
20 through. This is a factory, so there is dust and dirt
21 around. So between annulling and pulling, annealing
22 and pulling the wire through the di dirt would
23 accumulate on that material that would slough off at
24 the machine. There is some oil at the machine. That
25 would cause it to accumulate there and it just builds

1 up around the mechanism after a while and that's what
2 they were doing once a year cleaning that off.

3 Q. Could that sludge have contained TCE?

4 A. Well, that sludge is then what goes into
5 the waste water cleaning, industrial waste cleaning
6 solution, it's going to be in the bottom of the
7 barrel. So essentially we covered that already. You
8 don't see a mechanism to get the TCE into that sludge.

9 Q. When Curran is speaking about sludge
10 from the machine, what machines is he referring to?

11 A. The drawing machines.

12 Q. And do you believe that the sludge from
13 the drawing machines when washed down with the
14 industrial waste solution, do you believe that the
15 industrial waste solution would have contained some of
16 that sludge?

17 MS. FLAX: Object to the form.

18 A. Yes, they're washing it down with water
19 perhaps some soap in it and then the sludge would have
20 gone into the industrial waste solution.

21 Q. What does that sludge consist of?

22 MS. FLAX: Object to the form. Asked
23 and answered.

24 A. Yeah, I can repeat what I said before.

25 Q. Please.

1 A. It's going to include the water, the
2 soap solution, and any ketones being acetone or methyl
3 ethyl ketone that was used in the wipe down, it's
4 going to include some dirt and grime, its going to
5 include some flakes of metal, and it's going to
6 include some of the oil and grease that was at the
7 drawing machine.

8 Q. But it would not include any TCE?

9 A. I've seen no evidence it would include
10 TCE.

11 MS. TROJECKI: I want to have marked
12 as B-7, an interview of Jay Crawford conducted by
13 Richard Grabill on February 23rd, 1993.

14 (Plaintiff's Exhibit No. Brown-7,
15 Interview of Jay Crawford, was marked for
16 identification at this time.)

17 Q. Have you ever seen this document before?

18 A. Yes.

19 Q. Did you review this in preparing your
20 expert report?

21 A. Yes.

22 Q. Do you believe this document has any
23 significance?

24 A. Well, it's one point of reference.

25 Q. Can you tell me what it refers to?

C E R T I F I C A T E

I, DEBRA DeLOOF, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the stenographic notes of the deposition of said witness who was first duly sworn by me, on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney, nor counsel for, nor related to or employed by, and of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel in this case, nor am I financially interested in this case.



DEBRA DeLOOF, C.S.R.

LICENSE NO. XI100228900

EXHIBIT E

INVOICE

D. David Chemical Company

P. O. BOX 1, REVERE

BUCKS COUNTY, PENNSYLVANIA 18033 • PHONE AREA 215 847-5146

SHIPPED TO

Handy & Harman Tube Company

Whitehall Road & Township Line

Norristown, Pennsylvania

SOLD TO

ORIGINAL
Recd

DATE	QUANTITY	PRICE	DESCRIPTION	TERMS	AMOUNT
2/1/73	1	25.00	250 gallon oil tank	1/10 330/10	\$ 25 00
2/5/73	20	6.00/ea	55 gallon drums Industrial Waste Solution		\$156 00
	30	5.00/ea	30 gallon drums Industrial Waste Solution		\$180 00
	25	75.00/ea	Empty 55 gallon drums delivered		\$1875 00
					\$379 75

B/L# 434

EXHIBIT

Cutter-3
12-2-04 Pac

EXHIBIT F

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 _____ CIVIL ACTION NO.
4 02-CV-3830

5 Boarhead Farm Agreement Group,

6 Plaintiff,

Oral Deposition of

7 vs.

Larry Rees

8 Advanced Environmental
9 Technology Corporation;
10 Ashland Chemical Company;
11 Boarhead Corporation;
12 Carpenter Technology
13 Corporation; Crown Metro,
14 Inc.; Diaz Chemical Corporation;
15 Emhart Industries, Inc.; Globe
16 Disposal Company, Inc.;
17 Globe-Wastech, Inc.; Handy &
18 Harman Tube Company, Inc.;
19 Knoll, Inc.; Merit Metal
20 Products Corporation; Novartis
21 Corporation; NRM Investment
22 Company; Plymouth Tube Company;
23 Quikline Design and Manufacturing
24 Company; Rahns Specialty Metals,
25 Inc.; Rohm & Haas Company; Simon
Wrecking Company, Inc.; Techalloy
Company, Inc.; Thomas & Betts
Corporation; Unisys Corporation;
United States of America
Department of Navy,

Defendants.

Certified Shorthand Reporting Services
arranged through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

Larry Rees

November 18, 2004

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Thursday, November 18, 2004

Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
Esquires, 1735 Market Street, Philadelphia,
Pennsylvania, commencing at 9:30 a.m.

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EXHIBITS

EXHIBITS ATTACHED TO THE END OF THIS TRANSCRIPT

EXHIBIT INDEX

Appears at the conclusion of the transcript

Page 3

WITNESS INDEX

Examination of Mr. Rees by Ms. Heidel:
Page 5

Page 5

(LARRY REES, having been duly sworn, was examined and
testified as follows:)

(EXAMINATION OF MR. REES BY MS. HEIDEL:)

Q. Hi, Mr. Rees. Thanks for coming in.

You understand today your testimony is
sworn testimony just like you would give in court.

Try to make your responses verbal, so
don't nod your head or anything because the court
reporter has to write down what you say.

And try to just have one person talk at
a time. If you need to interrupt, just take a moment
so that she doesn't have to worry about figuring out
who's talking at what point.

If you need me to repeat the question
or clarify, feel free. Or if your lawyer needs to
jump in, he'll do that.

I have to ask you have you taken any
medications in the last twenty-four hours that might
have effected your ability to testify?

A. No.

Q. Okay.

Okay. Can you state your name for the
record and spell your last name?

A. Larry Rees, R-E-E-S, as in Sam.

Q. Okay.

2 (Pages 2 to 5)

Larry Rees

November 18, 2004

Page 22

1 aware, did they arrange for the pick up of these
 2 waste drums?
 3 A. Don't know, that I don't know.
 4 Q. Okay.
 5 Are you aware of any companies that
 6 Handy & Harman uses to pick up waste?
 7 A. When?
 8 Q. Let's start from '75 to '84.
 9 A. No.
 10 Q. Okay.
 11 And then from '84 to the present are
 12 you aware of any vendors or companies that Handy &
 13 Harman uses to pick up waste?
 14 A. The only one I know of that they used
 15 was Safety Clean, and they're not even using them
 16 now, I don't know when they used them, they used them
 17 in the last five, ten years, but exactly when, I
 18 don't know.
 19 Q. Okay.
 20 During the time that you worked there
 21 was it ever your job to pick a waste hauler, to
 22 select a company?
 23 A. No.
 24 Q. Do you have any idea how much Handy &
 25 Harman paid for waste hauling?

Page 23

1 A. No idea.
 2 Q. Okay.
 3 So from, let's see, '75 until '84 are
 4 you aware of any records that Handy & Harman kept --
 5 A. No --
 6 Q. -- for waste --
 7 A. -- I wouldn't --
 8 MR. AGNELLO: You got to wait until she
 9 completes her question.
 10 THE WITNESS: I'm sorry.
 11 BY MS. HEIDEL:
 12 Q. -- for keeping track of how much waste
 13 is produced?
 14 A. No, I wouldn't have anything to do with
 15 that.
 16 Q. So you didn't -- did you ever collect
 17 records for how many barrels of the waste lubricants
 18 were produced from '79 to '84?
 19 A. No.
 20 Q. Are you familiar with a term industrial
 21 waste solution?
 22 Have you ever heard that term when you
 23 were working at Handy & Harman?
 24 A. No.
 25 Q. Let me show you a document --

Page 24

1 MS. HEIDEL: Can you mark it LR-2?
 2 MR. AGNELLO: Are you going to do this
 3 one LR-2?
 4 MS. HEIDEL: Do this LR-2 and LR-3.
 5 MR. AGNELLO: Only because I wrote it
 6 down already.
 7 (Exhibit LR-2, Diagram, is marked for
 8 identification.)
 9 (Exhibit LR-3, Invoice, is marked for
 10 identification.)
 11 BY MS. HEIDEL:
 12 Q. Just ask if you are familiar at all with
 13 that document?
 14 A. I've never seen it.
 15 Q. Okay.
 16 Is this company's name De Rewal
 17 Chemical, is that at all familiar to you, that name?
 18 A. Now?
 19 Q. Now, yes.
 20 A. No -- well, I've heard it in the course
 21 of answering questions, but I've never heard of --
 22 Q. Okay.
 23 Let's go back -- bear with me, I know
 24 it was a long time ago, when you first started
 25 in '75 can you tell me the names of people who were

Page 25

1 involved in the production process in your group in
 2 the small tubes department?
 3 A. Doug Willauer.
 4 Q. Can you spell that last name?
 5 A. W-I-L-L-A-U-E-R.
 6 Q. Okay.
 7 A. Let's see, Charlie Friday, they're both
 8 deceased, Andy Giovinco, G-I-O-V-I-N-C-O, Abe Kassel,
 9 that's about the only ones I remember.
 10 Q. Okay.
 11 What about when you were foreman
 12 from '79 to '84, can you tell me the names of people
 13 who you were supervising?
 14 A. Those guys, Fred Bleuit -- I don't know,
 15 it's a been a lot of years, I don't remember.
 16 Q. Okay.
 17 Was there any particular person that
 18 you were supervising who was responsible for handling
 19 the waste that was generated?
 20 A. What time period?
 21 Q. Sorry, from '79 to '84.
 22 A. No.
 23 Q. You said in the production process --
 24 let's look at this again.
 25 You mentioned part of the process was

7 (Pages 22 to 25)

C E R T I F I C A T E

I, Christi A. Argenbright, a Notary Public and Certified Shorthand Reporter of The State of New Jersey do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and that I am not financially interested in this action.

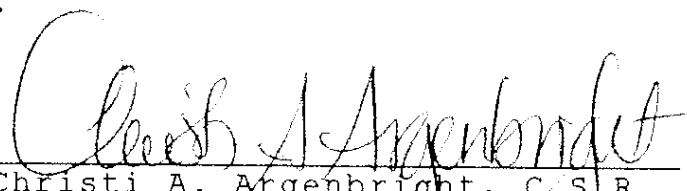

Christi A. Argenbright, C.S.R.
Notary Public, State of New Jersey
My commission expires October 16, 2005
Certificate No. XI01789

EXHIBIT G

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION NO.
02-CV-3830

Boarhead Farm Agreement Group,

Plaintiff,

Oral Deposition of

vs.

Mary A. Kollmar

Advanced Environmental
Technology Corporation;
Ashland Chemical Company;
Boarhead Corporation;
Carpenter Technology
Corporation; Crown Metro,
Inc.; Diaz Chemical Corporation;
Emhart Industries, Inc.; Globe
Disposal Company, Inc.;
Globe-Wastech, Inc.; Handy &
Harman Tube Company, Inc.;
Knoll, Inc.; Merit Metal
Products Corporation; Novartis
Corporation; NRM Investment
Company; Plymouth Tube Company;
Quikline Design and Manufacturing
Company; Rahns Specialty Metals,
Inc.; Rohm & Haas Company; Simon
Wrecking Company, Inc.; Techalloy
Company, Inc.; Thomas & Betts
Corporation; Unisys Corporation;
United States of America
Department of Navy,

Defendants.

Certified Shorthand Reporting Services
arranged through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

Mary A. Kollmar

November 18, 2004

Page 2

.....
 Thursday, November 18, 2004

Transcript in the above matter taken at
 the offices of Ballard, Spahr, Andrews & Ingersoll,
 Esquires, 1735 Market Street, Philadelphia,
 Pennsylvania, commencing at 9:30 a.m.

APPEARANCES:

BALLARD, SPAHR, ANDREWS & INGERSOLL, ESQUIRES
 BY: MARC E. DAVIES, ESQUIRE

- and -

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 Handy & Harman Tube Company

Page 4

EXHIBITS

EXHIBITS ATTACHED TO THE END OF THIS TRANSCRIPT
 EXHIBIT INDEX

Appears at the conclusion of the transcript

Page 3

WITNESS INDEX

Examination of Ms. Kollmar by Mr. Davies:
 Page 5

Page 5

(MARY A. KOLLMAR, having been duly sworn, was
 examined and testified as follows:)

(EXAMINATION OF MS. KOLLMAR BY MR. DAVIES:)

Q. Okay.

Ms. Kollmar, could you state your name
 for the record, state and spell your name?

A. Mary A. Kollmar, last name is spelled
 K-O-L-L-M-A-R.

Q. Okay.

Have you ever been deposed before?

A. No.

Q. All right.

Well, I'll just briefly go over the
 outline of sort of how we do it, and if you ever have
 any questions for what I've said or later, please,
 just ask.

We have a reporter here, but it's a
 pretty informal thing, it's just like talking.

So, first, your testimony today is
 sworn testimony, so your answers are under oath and
 carry the same weight just like if you were in court.

Please make sure that all of your
 responses are verbal. The court reporter can't take
 down a head nod or if you say uh-huh or something
 like that, it's easier if you can give verbal

2 (Pages 2 to 5)

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1 that was a term used?
 2 A. No.
 3 Q. Okay.
 4 MR. DAVIES: I think I'm going to mark
 5 that as MK-2.
 6 (Exhibit MK-2, Invoice, is marked for
 7 identification.)
 8 BY MR. DAVIES:
 9 Q. You're being handed a document which
 10 we've marked MK-2, just take a look at it for a
 11 moment, it appears to be an invoice from February 5,
 12 1973, actually, it says sold to Handy & Harman Tube
 13 Company.
 14 Are you familiar with this document?
 15 A. Only because Mr. Agnello showed me this
 16 document, other than that I have no familiarity with
 17 it.
 18 Q. Okay.
 19 Could you describe to me generally were
 20 you involved with invoices at all when you started at
 21 the company?
 22 A. No.
 23 Q. Okay.
 24 Do you recall if an invoice came in
 25 where it would go from those offices, who would take

Page 35

1 care of them?
 2 A. This office right next door to me.
 3 Q. Okay.
 4 Who was in that office? That's blank
 5 still.
 6 A. I honestly don't recall her name. She
 7 was only there for probably -- well, not even a year.
 8 I started in October and I believe she left in
 9 January. I don't remember her name.
 10 Q. Okay.
 11 Well, who was the next person that was
 12 there?
 13 A. Could possibly have been Marty Miller,
 14 but I don't know if -- I don't remember what year she
 15 started. There could have been someone else after --
 16 whoever this person was when I came.
 17 Q. Well, let's just make it for anywhere in
 18 the 1970's, do you recall anyone else that worked --
 19 A. Marty Miller, Tina Sampson.
 20 Q. And what was their job?
 21 What did they do?
 22 A. Marty Miller was the accounts payable,
 23 Tina was a -- I think she initially was a part-time
 24 employee, then she became full-time, and eventually
 25 took over accounts payable.

Page 36

1 Q. Is she still with the company?
 2 A. No.
 3 Q. Do you recall when she left?
 4 A. I would speculate '70's.
 5 Q. Okay.
 6 Let's see -- just give me one second.
 7 Are you familiar with the term RCRA or
 8 Resource Conservation Recovery Act?
 9 A. I've heard the term.
 10 Q. Do you remember -- I think it came into
 11 place around 1977, give or take, just to give you a
 12 time frame.
 13 Do you recall whether Handy & Harman
 14 had to create any records or do anything related to
 15 RCRA?
 16 A. I would suspect that because of that we
 17 made out specific manifests when waste was taken out
 18 of the building.
 19 Q. Okay.
 20 Do you know whether those manifests
 21 were kept -- are kept still?
 22 A. Are kept, in the engineering department.
 23 Q. And do you know who -- let's go back
 24 again towards the beginning -- well, towards '77 or
 25 so, do you know who was in the engineering department

Page 37

1 in the late '70's?
 2 A. Bob Zimmerman, Jack Schurr.
 3 Q. How do you spell that, do you know?
 4 A. S-C-H-U-R-R, I believe.
 5 Q. Okay.
 6 Do you recall whether they would have
 7 been the ones that prepared these waste manifests?
 8 (Objection) MR. AGNELLO: Objection to the form.
 9 You can answer.
 10 BY MR. DAVIES:
 11 Q. You can answer.
 12 MR. AGNELLO: Yeah, you can answer.
 13 THE WITNESS: Okay.
 14 Quite possibly it was Bob Zimmerman's
 15 secretary, Joan Stinson.
 16 BY MR. DAVIES:
 17 Q. Joan --
 18 A. Stinson.
 19 Q. Do you know does she still work at
 20 Handy & Harman?
 21 A. No.
 22 Q. Do you remember when she left?
 23 A. Early -- or late '90's.
 24 Q. Okay.
 25 I was going to ask you also about

10 (Pages 34 to 37)

C E R T I F I C A T E

I, Christi A. Argenbright, a Notary Public and Certified Shorthand Reporter of The State of New Jersey do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I do further certify that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel and that I am not financially interested in this action.

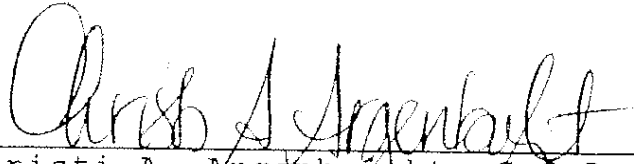

Christi A. Argenbright, C.S.R.
Notary Public, State of New Jersey
My commission expires October 16, 2005
Certificate No. XI01789

EXHIBIT H

187

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 BOARHEAD FARM AGREEMENT
4 GROUP,

5 Plaintiff,

CIVIL ACTION NO.
02-CV-3830

Judge Legrome D. Davis
Oral Deposition of

vs.

MANFRED T. DE REWAL, SR.

6 ADVANCED ENVIRONMENTAL TECHNOLOGY
7 CORPORATION; ASHLAND CHEMICAL
8 COMPANY; BOARHEAD CORPORATION;
9 CARPENTER TECHNOLOGY CORPORATION;
10 CROWN METRO, INC.; DIAZ CHEMICAL
11 CORPORATION; EMHART INDUSTRIES,
12 INC.; ETCHED CIRCUITS, INC.; FCG,
13 INC.; GLOBE DISPOSAL COMPANY, INC.;
14 GLOBE-WASTECH, INC.; HANDY & HARMAN
15 TUBE COMPANY, INC.; KNOLL, INC.;
16 MERIT METAL PRODUCTS CORPORATION;
17 NOVARTIS CORPORATION; NRM INVESTMENT
18 COMPANY; PLYMOUTH TUBE COMPANY;
19 QUIKLINE DESIGN AND MANUFACTURING
20 COMPANY; RAHNS SPECIALTY METALS,
21 INC.; ROHM & HAAS COMPANY, SIMON
22 WRECKING COMPANY, INC.; TECHALLOY
23 COMPANY, INC.; THOMAS & BETTS
24 CORPORATION; UNISYS CORPORATION;
25 UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,
Defendants.

* * * * *
Thursday, May 8, 2003
* * * * *

Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
LLP, 1735 Market Street, 42nd Floor, Philadelphia,
Pennsylvania, commencing at 10:15 A.M.

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16
17
18
19
20
21
22
23
24
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1 Q. When was the first time you heard of
2 Handy & Harman Tube Company?

3 A. I don't know.

4 Q. How did you learn about Handy & Harman
5 Tube Company?

6 A. I don't know.

7 Q. Do you know, and I apologize if you
8 answered this in response to another question, do you
9 know what the business of Handy & Harman Tube Company
10 is?

11 A. No.

12 Q. Are you familiar with any of the
13 processes used by Handy & Harman Tube Company?

14 A. No.

15 Q. Are you familiar with the types of waste
16 generated by Handy & Harman Tube Company?

17 A. No.

18 Q. Mr. DeRewal, if you would turn to P-42
19 which was marked yesterday, do you have P-42 in front
20 of you?

21 A. Yes, I have.

22 Q. Does P-42 represent a typical DeRewal
23 Chemical Company invoice?

24 A. Yes.

25 Q. If you would just look across the top

1 Q. Mr. DeRewal, it says 250 gallon oil
2 tank. Do you know whether the 250 oil tank was
3 coming from Handy & Harman Tube Company or being
4 delivered to Handy & Harman Tube Company?

5 A. I have no idea.

6 Q. Do you know who owned the 250 gallon oil
7 tank?

8 A. No.

9 Q. Do you know whether looking at the
10 second line under description, whether the 26
11 55-gallon drums were full or empty?

12 A. I would assume they're full of waste
13 solution. That's what it says, industrial waste
14 solution, so...

15 Q. I'm not asking you to assume. I'm
16 asking you whether you know if they were full or
17 empty.

18 A. I would not know whether they were full
19 or empty.

20 Q. Was DeRewal picking up the 26 55-gallon
21 drums from Handy & Harman Tube Company containing
22 industrial waste solution?

23 A. I don't know what they did with the 25
24 drums.

25 Q. Do you know whether the 36 30-gallon

1 drums were full or empty?

2 A. No, I do not know.

3 Q. Do you know whether the 36 30-gallon
4 drums were being delivered to or being picked up from
5 Handy & Harman Tube Company?

6 A. No, but the invoice would suggest that
7 they are being picked up. They have waste solution
8 in them.

9 Q. But you don't know as you sit here today
10 whether they were being picked up from or delivered
11 to Handy & Harman Tube Company; is that correct?

12 MR. HARRIS: Objection.

13 A. No, I wouldn't -- I wouldn't know what
14 they were -- just looking at this invoice, you know,
15 I don't think Handy & Harman is ordering waste
16 solutions. I think they are getting rid of waste
17 solutions. I mean --

18 Q. Mr. DeRewal, I didn't ask you what you
19 think. I asked you whether you knew or did not know.

20 A. I absolutely do not know.

21 Q. Okay. Can you tell me what the \$6 per
22 55-gallon drum price represents?

23 A. What?

24 Q. Looking in the third column under the
25 second preprinted line where it says price, second

400

1 C E R T I F I C A T E

2 I, NORA M. GALLAGHER, a Notary Public and
3 Certified Shorthand Reporter of the State of New
4 Jersey, and Commissioner of Deeds of the Commonwealth
5 of Pennsylvania, do hereby certify that prior to the
6 commencement of the examination,

7 MANFRED T. DE REWAL, SR.

8 Was duly sworn by me to testify to the truth, the
9 whole truth and nothing but the truth.

10 I do further certify that the foregoing
11 is a true and accurate transcript of the testimony as
12 taken stenographically by and before me at the time,
13 place and on the date hereinbefore set forth.

14 I do further certify that I am neither
15 a relative nor employee nor attorney nor counsel of
16 any of the parties to this action, and that I am
17 neither a relative nor employee of such attorney or
18 counsel and that I am not financially interested in
19 this action.

20

21

22 Nora M. Gallagher, C.S.R.
23 My Commission Expires October 24, 2007
24 Certificate No. XI00911
25 Date:

EXHIBIT I

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 BOARHEAD FARM AGREEMENT CIVIL ACTION NO.
4 GROUP, 02-CV-3830
Plaintiff, Judge Legrome D. Davis

5 vs. Oral Deposition of
KAREN CASTILLO

6 ADVANCED ENVIRONMENTAL TECHNOLOGY
CORPORATION; ASHLAND CHEMICAL
7 COMPANY; BOARHEAD CORPORATION;
CARPENTER TECHNOLOGY CORPORATION;
8 CROWN METRO, INC.; DIAZ CHEMICAL
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9 INC.; ETCHED CIRCUITS, INC.; FCG,
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10 GLOBE-WASTECH, INC.; HANDY & HARMAN
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11 MERIT METAL PRODUCTS CORPORATION;
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12 COMPANY; PLYMOUTH TUBE COMPANY;
QUIKLINE DESIGN AND MANUFACTURING
13 COMPANY; RAHNS SPECIALTY METALS,
INC.; ROHM & HAAS COMPANY, SIMON
14 WRECKING COMPANY, INC.; TECHALLOY
COMPANY, INC.; THOMAS & BETTS
15 CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
16 DEPARTMENT OF NAVY,
Defendants.

17
18 * * * * *
TUESDAY, JUNE 3, 2003
19 * * * * *

20 Transcript in the above matter taken at
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21 LLP, 1735 Market Street, 42nd Floor, Philadelphia,
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TECHALLOY COMPANY, INC., THOMAS & BETTS
CORPORATION and UNISYS CORPORATION

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A P P E A R A N C E S (CONTINUED:)

UNITED STATES DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
BY: JOHN SHEEHAN, ESQUIRE (present via phone)
601 D STREET NW, SUITE 8120
WASHINGTON, D.C.
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ATTORNEYS FOR THE DEFENDANT,
UNITED STATES OF AMERICA DEPARTMENT OF NAVY

1 Q. Do you know who provided you this
2 information?

3 A. No.

4 Q. Was there a price list for what was
5 charged to customers?

6 A. No.

7 Q. How did you know how much to charge a
8 customer say, for example, disposing of a 55-gallon
9 drum?

10 A. I would get that info from Fred, Senior.

11 Q. So Mr. DeRewel, Senior would provide you
12 with the cost per 55-gallon drum to charge a
13 particular customer; is that correct?

14 A. Yes, or it was in black and white as a
15 quote.

16 Q. And do you know who prepared any such
17 quotes?

18 A. Fred, Senior.

19 Q. Do you know what the cost of disposing a
20 full 55-gallon drum was during the time of your
21 employment with any DeRewel company?

22 A. No.

23 Q. Do you know what the cost of disposal of
24 a full 30-gallon drum would cost, was for any --
25 while you worked for any DeRewel company?

1 A. No.

2 Q. Do you know what the cost of disposing
3 an empty 55-gallon drum would have been while you
4 worked for any DeRewel company?

5 A. No.

6 Q. Do you know what the cost would have
7 been for an empty 30-gallon drum while you worked for
8 any DeRewel chemical company?

9 MR. HARRIS: Objection.

10 A. No.

11 Q. Do you know what the cost for -- strike
12 that.

13 If I say the term bulk load, do you
14 understand what I mean by that?

15 A. I do.

16 Q. Can you tell me what you understand that
17 to mean?

18 A. Bulk load would be a tanker or a full
19 tractor trailer.

20 Q. Do you know what would be charged to
21 dispose of a bulk load?

22 MR. HARRIS: Objection.

23 A. No.

24 Q. I just want to be clear. All prices
25 charged by DeRewel Chemical Company to its customers

1 were set by Fred DeRewel, Senior?

2 A. Yes.

3 Q. Did DeRewel Chemical Company ever sell
4 empty 55-gallon drums?

5 A. I don't know. I don't know. I don't
6 recall, but I don't honestly know.

7 Q. Do you know who would know whether or
8 not DeRewel Chemical Company sold empty 55-gallon
9 drums?

10 A. If they sold empty drums? Well, since
11 Marvin Jonas was in the business I would imagine
12 Marvin Jonas would know, except he is dead.

13 Q. In response to my last question you said
14 since Marvin Jonas was in the business. Can you tell
15 me what business you are referring to?

16 A. Empty 55-gallon drums.

17 MS. FLAX: That's all I have. Thank
18 you.

19 MR. STABINSKI: I will go next. Rick
20 Stabinski for Ashley.

21 (EXAMINATION OF MS. CASTILLO BY MR. STABINSKI:)

22 Q. We have never met, have we?

23 A. No.

24 Q. I would like to direct your attention to
25 some of the responses you gave to Mr. Sabino about

1 C E R T I F I C A T E

2 I, RUTHANN WALKER, a Notary Public and
3 Certified Shorthand Reporter of the State of NJ
4 and Commissioner of Deeds of the Commonwealth of
5 Pennsylvania, do hereby certify that prior to the
6 commencement of the examination

7 KAREN CASTILLO
8 was duly sworn by me to testify to the truth, the
9 whole truth and nothing but the truth.

10 I do further certify that the foregoing is a
11 true and accurate transcript of the testimony as
12 taken stenographically by and before me at the time,
13 place and on the date hereinbefore set forth.

14 I do further certify that I am neither a
15 relative nor employee nor attorney nor counsel of any
16 of the parties to this action, and that I am neither
17 a relative nor employee of such attorney or counsel
18 and that I am not financially interested in this
19 action.

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22 RUTHANN WALKER, C.S.R.
23 Notary Public, State of New Jersey
24 My Commission Expires August 28, 2005
Certificate No. 415
Date: June 12, 2003

25